

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.2461 OF 2013**

Faaiz Anwar Qureshi.

...Petitioner

versus

1.Usman Raza Fatmi & Anr.

...Respondents

with**CRIMINAL WRIT PETITION NO.2387 OF 2013**

Faaiz Anwar Qureshi.

...Petitioner

versus

1.Kamlesh Murji Variya & Anr.

...Respondents

Mr.Vibhav Krishna i/b. M/s.Juris Consillis, for Petitioner.

Mr.S.R.Gupta, for Respondent no.1.

Mr.A.R.Patil, APP for Respondent no.2-State.

CORAM : M.L.TAHALIYANI, J.**DATED : 30th August, 2013**

P.C. :

Admitted. Heard finally.

2. Both the writ petitions are filed to challenge the orders passed by the learned Additional Sessions Judge, Court Room no.13, Sewree, Mumbai in Criminal Revision Application nos.206 of 2011 and 207 of 2011. The applicants Usman Raza Fatmi and Kamlesh Murji Variya in said two applications before the Sessions Court were accused in case no.23/SW/2011 and 26/SW/2011 respectively, pending in the Court of Metropolitan Magistrate, 20th Court,

Mazgaon, Mumbai. The process for offence punishable under Section 403, 406, 411 and 420 and other incidental sections was issued against the applicants on the complaint made by petitioner-Faaiz Anwar Qureshi. The applicants challenged issuance of process in the said complaint. Learned Additional Sessions Judge upset both the orders passed by the learned M.M. in the said two criminal complaint cases. It is how the applicant-original complainant Faaiz Anwar Oureshi is before this Court.

3. I have gone through both the impugned orders passed by the learned Additional Sessions Judge and I am not able to get from both the orders as to what the learned Additional Sessions Judge wanted to say. It is really disturbing to note that the learned Additional Sessions Judge was not even bothered to summarize the facts of the case in his order. Both the orders are superficial and without going into the depth of the issues involved in the criminal complaint case. As already stated, it is impossible to get the facts from the order and it is impossible to get as to what the learned Additional Sessions Judge wanted to say.

4. In view thereof, both the orders are required to be set aside and both the revision applications are required to be heard afresh by any Judge other than the Judge Mr.Sudam P. Deshmukh. Hence, I pass the following order:-

(i) Both the writ petitions are partly allowed. The orders passed by the learned Additional Sessions Judge in Criminal Revision Application nos.206 of 2011 and 207 of 2011 are set aside.

(ii) The Sessions Court is directed to hear both the revision applications afresh, after giving an opportunity to the parties concerned.

(iii) The learned Sessions Judge, Greater Mumbai, is directed to see that the revision applications are not placed before the Judge Shri.Sudam P.Deshmukh.

(iv) Parties to appear before the learned Sessions Judge on 1st October,2013. Both the writ petitions are accordingly disposed of.

(M.L.TAHALIYANI, J.)